

**BEFORE THE LAND USE HEARINGS EXAMINER  
CLARK COUNTY, WASHINGTON**

**REGARDING THE APPLICATION FOR A  
PRELIMINARY PLAT APPROVAL TO  
SUBDIVIDE APPROXIMATELY 9.45 ACRES  
INTO 79 LOTS IN 2 PHASES, USING THE  
PLANNED UNIT DEVELOPMENT (PUD)  
STANDARDS IN MULTIPLE ZONING DISTRICTS  
IN THE UNINCORPORATED CLARK COUNTY,  
WA.**

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**FINAL ORDER**  
  
**PRAIRIE ESTATES II  
PUD**  
  
**PLD2004-00053, PUD2004-  
00002, SEP2004-00090,  
EVR2004-00045, HAB2004-  
00118, ARC2004-00041**

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***APPROVED WITH CONDITIONS***

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**INTRODUCTION**

The applicant is requesting a preliminary plat approval to subdivide approximately 9.45 acres into 79 single-family residential lots in the R1-7.5 and R-18 zoning districts.<sup>1</sup> The western 2.04 acres of the site are zoned R1-7.5 and the eastern and southern 7.41 acres are zoned R-18. The development will occur in 2 phases. During phase 1, the applicant proposes to develop lots 30 through 40, and lots 71 through 79. During this phase, the applicant proposes to dedicate and construct the full width of a portion of NE 91st Avenue and NE 80th Court, as shown on the phasing plan, (Exhibit 5, Preliminary Plat Sheet 2 of 5) to public road standards. In phase 2, the applicant proposes to develop lots 1 through 29 and lots 41 through 70. During this phase, the applicant proposes to construct a half-width section of NE 91st Avenue to intersect NE 76th Street to the south, NE 92nd Avenue and NE 77th Street. The applicant will provide the facilities and infrastructures necessary to support the development of each phase.

The R1-7.5 Zoning District permits the development of a single-family dwelling as an outright permitted use. The code provides for a minimum density of 4.1 dwellings units and a maximum density of 5.8 dwellings units per acre (see Table 40.220.010-2, Lot Requirements).

The R-18 Residential District permits medium density residential development in the county ranging from a minimum density of 12 dwelling units per acre and a maximum density of 18 dwelling units per acre (see Table 40.220.020-2 (Lot Requirements)).

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<sup>1</sup> The R-18 zone comprises the section of the site that was zoned C-3 on the 1994 Zoning Map, but which has been rezoned to R-18 through the Docket or Annual Review process. See Footnote 1 for more information.

A planned unit development (PUD) is permitted in the R1-7.5 and R-18 districts, per Table 40.220.010-1 (1) (l) and Table 40.220.020-1 (1) (n), respectively, subject to the provisions of CCC 40.520.080. (See Land Use Finding 5 for additional information)

**Location:** 9210 NE 76th Street; Tax Lots 4/46 (105468), 7/45 (105459-010), 1 (105459), and 4/45 (105455), located in a portion of the SW ¼ of Section 4, SE ¼ of Section 5, and NW ¼ of Section 9, Township 2, North, Range 2 East of the Willamette Meridian.

**Applicant:** Kole Properties, LLC  
P. O. Box 10624  
Portland, OR 97296

**Property Owner(s):**

Mildred G. Hilberg 1312 NE 124th St. Vancouver, WA 98685	Vera E. Woodruff Trustee P. O. Box 820371 Vancouver, WA 98682	Mildred G. Hilberg 2105 NW 9th Ave. Battle Ground, WA 98604
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**Comp Plan:** Urban Low (UL), Medium Density Residential (UM), Community Commercial (C-3)

**Zoning:** R1-7.5, R-18 and C-3

**Applicable Laws:** Clark County Code Chapter 40.350 (Transportation), 40.350.020 (Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.570.080 (SEPA), 40.570.080 (C) (3) (k) (Historic & Cultural Preservation), 40.540.040 (Land Division Ordinance), 40.520.080 (Planned Unit Development), 40.220.010 (Single-Family Residential Districts, R1-7.5), 40.220.020 (Residential District, R-18), 40.230.010 (Commercial Districts, C-3), 40.610 (Impact Fees), 40.370.010 (D) (Sewer Connection), 40.370.020 (D) (Water Connection), 40.440 (Habitat Conservation Ordinance), 40.500 (Process), RCW 58.17 (State Land Division Laws)

**Site Overview:** The following Table 1 shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

<b>Compass</b>	<b>Comp Plan</b>	<b>Zoning</b>	<b>Current Land Use</b>
Site	Urban Medium Density Residential (UM) and Urban Low Density Residential (UL)	Residential District, R-18 and R1-7.5	The site is flat and mostly vacant land with two single-family dwellings, a garage, two wood sheds, and two pump-houses. Much of the property is grass, although there are some trees around the houses and along Curtin Creek tributary lying west of the site. There is a drainage easement (AF. No. G598545) that runs east westerly in the general area of Lots 14, 49, 50, 61 and 62.
North	UL/UM	R1-7.5/R-18	Prairie Estates PUD Subdivision, Phase 1 (PLD2003-00090), approved but not constructed).
East	UL and Community Commercial (CC)	R1-7.5 and Community Commercial (C-3)	NE 94th Avenue and Kosterman Acres, F-126, a residential housing development and Five Corners commercial center.
South	UL	R1-6	NE 76th Street and a single-family residential housing development on fairly large lots.
West	UM/UL	R-18/R1-6	Sunnyside (G254), a residential housing development and some vacant property.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of McBee silt loam, coarse variant (MIA) and Sifton gravelly loam (SvA) on slopes ranging from 0 to 3 percent.

Maps from Clark County's GIS Mapping System indicate that the site contains flood fringe and riparian habitat conservation zone.

The property is located within the City of Vancouver's urban growth area (UGA). It is situated in an area served by Fire Protection Districts 5, Evergreen School District, Orchards Traffic Impact Fees District, and Parks Improvement District 6. The City of Vancouver provides public water and Hazel Dell Sewer District provides sewer service in the area, respectively.

### **HEARING AND RECORD**

The Public Hearing on this matter was held on September 9, 2004 and the record was closed at the conclusion of the hearing. A record of all testimony received into the record is included herein as Exhibit A (Parties of Record), Exhibit B (Taped Proceedings), and Exhibit C (Written Testimony). These exhibits are filed at the Clark County Department of Community Development.

The Examiner has conducted an unaccompanied site visit prior to the Hearing.

#### **Public Notice:**

Notice of application and public hearing was mailed to the applicant and property owners within 300 feet of the site on July 9, 2004 (see Exhibit No. 11). There is no recognized neighborhood association in the area, but a courtesy notice was mailed to the Neighborhood Association Committee of Clark County (NACCC). One sign was posted on the subject

property and two within the vicinity on August 25, 2004. Notice of the SEPA Determination and public hearing was published in "The Columbian" newspaper on August 25, 2004.

Public Comments:

The county did not receive any correspondence from the public regarding this application prior to the issuance of the Staff Report

Testimony:

Michael Uduk, the lead County planner on this application, provided an overview of this project and its associated staff report. He said staff is recommending approval of this application, subject to the conditions of approval in the staff report.

Kurt Stonex, representing the applicant, noted that all of Phase II was zoned C-3 when the application was first submitted; that zoning has now been changed, and the majority of the site is now R-18. There is a tributary to Curtain Creek on the west side of the site which is basically a linear ditch with very little habitat function. We have worked with staff to develop a plan with a much higher functional value. There will be a soft trail through that area, running between lots 49 and 50 and lots 61 and 62. With respect to the north-south open-space area between the lots, that is not intended to be a trail – it is simply landscaped open space. Stormwater for this site is primarily being infiltrated. The soil in the eastern portion in the site is quite porous; we therefore propose that the stormwater system will drain to the east. The back of the lots along the stream will drain toward the Curtain creek tributary. The frontage improvements have been fully constructed, and no further improvements are planned there. The archaeological study has been completed for this site, and its conclusion was that no further study is needed.

Part of the application was a road modification, Mr. Stonex continued. We asked that the roadways of both 89<sup>th</sup> and 92<sup>nd</sup> be reduced. The reason for that request was the shape of the site, and working to obtain the densities we need in this type of zoning while still maintaining the deepest possible lots. The County has approved that road modification. Mr. Stonex described the circulation issues associated with this site, noting that the east-west connection requested by the County has been accomplished by the extension of 81<sup>st</sup> Street to NE 94<sup>th</sup>.

Mr. Stonex said the applicant has also included traffic calming devices in his site plan, as requested by the County, in order to increase pedestrian safety. These devices include road narrowing at strategic locations; however, we need to request another road modification to accommodate them, he said, noting that, under CCC 40.550.010, road modifications can be granted for existing conditions – in this case, the existing subdivisions to the west, and the shape of the site. The applicant believes this development satisfies that criteria. In addition, there is a criteria regarding public interest; we believe this proposal satisfies that condition as well.

With respect to the conditions of approval in the staff report, Condition A-3 refers to low-level lighting along the proposed trail; this condition should be corrected to say lots 49, 50, 61 and

62. With respect to Condition A-4, there is an existing 10-foot drain easement, granted in 1972; however, there is no evidence of a drain system there, and staff has suggested that we abandon that easement. If the homeowner objects, said Stonex, we could simply agree not to build on the easement – either abandon or preserve. With respect to Condition A-23, that refers to the road modification; again, we are asking that the road modification be approved. With respect to Condition A-27, the last part of the sentence discusses a capacity analysis and we don't believe that capacity analysis is necessary, because we're infiltrating almost the entire site. Other code requirements will make us do the analysis the County is requesting without the need for a separate study; I would ask that the last paragraph of that condition be stricken. E-16 and E-17 are the same as E-9 and E-10, so we would ask that they be stricken.

Howard Stein, the applicant's traffic engineer, said that Figure 9 of the traffic study provides more detail on the traffic circulation through the proposed development.

No public testimony was offered on this case.

On staff's response, Ali Safayi, the County Engineer on this application, indicated that staff would have no objection to the requested road modification, provided that staff has another chance to review how the reduced section would be constructed, to ensure that it is done properly. Because this varies from the road standard by a substantial 8 feet, it requires a closer look, he explained. Also, Mr. Safayi stated that he was not sure we could support that reduced section on a neighborhood circulator street – that may be more of a problem. Isn't the purpose of this proposal to respond to a concern about speeding through the neighborhood? the examiner asked. That is correct, Safayi replied, but we would still like the opportunity to take a close look at it. He said staff agrees that there is a problem with Condition A-27, and recommends that the conveyance system analysis stipulation be deleted.

Mr. Uduk said the applicant had indicated that Condition A-3 needs to be changed; he noted that this condition was intended to address another greenway. However, since the applicant has indicated that this greenway is intended to be simply a landscaped area, and the trail will go elsewhere, staff has no objection to the change proposed by the applicant. He said that, in staff's view, with respect to A-4, as the examiner has said, staff would prefer to preserve or abandon the easement. Mr. Stonex said the applicant has no problem with the stipulation that the application will be approved subject to final engineering approval.

## **FINDINGS**

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings. The following issues were either raised by the applicant, addressed by staff in its report, or by agency comments on the application, and the Examiner adopts the following findings with regard to each:

**LAND USE - Zoning:**

**Planned Unit Development (CCC 40.520.080)**

**Approval Criteria**

CCC 40.520.080 establishes the standards and general requirements for a planned unit development (PUD) review, and stipulates that 5 specific findings must be made prior to a PUD approval in the county. The proposed PUD can comply with the applicable standards and requirements per CCC 40.520.080 (E), and the approval criteria per CCC 40.520.080 (F) because:

**Approval criterion 1**

*The site is adequate in size and shape to accommodate the proposed use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required to ensure that the proposed use is compatible with the neighborhood land uses*

**Finding 1**

The development site comprises of 4 tax lots of record totaling approximately 9.45 acres. A riparian habitat conservation buffer and flood fringe associated with Curtin Creek tributary exists westerly and extends to the site. These areas have been identified on the plat as Tract "A" earmarked as a habitat enhancement area that would be conserved and protected as open space; and therefore, will not be developed. (See Table 2 for additional information) The applicant shall establish a covenant, conditions, and restrictions (CC & R's) to protect and govern the use of these areas. (See condition of approval A-1)

**Finding 2**

The applicant is proposing the following lot and set back dimensions for this development:

1. Minimum lot width --- 30 feet
2. Minimum lot depth --- 50 feet
3. Front yard setback for the house --- 10 feet
4. Front yard set back for the garage --- 18 feet
5. Street side yard --- 8 feet
6. Interior side yard --- zero to 6 feet
7. Rear yard set back --- 5 feet. (See condition of approval D-1)

To ensure traffic and pedestrian safety, the street side yard for Lot 1, Lot 55 and Lot 56 should be 10 feet and the interior side yard setback for all lots should be zero to 8 feet, or as may be approved by the Fire Marshal or a designee, consistent with the Uniform Building and Fire Codes. (See condition of approval D-2)

**Finding 3**

The applicant shall provide building envelopes indicating the location of buildings and perimeter landscaping plan (see Exhibit 5A) that would create aesthetics and community ambiance in furtherance of the comprehensive plan policy, to ensure compatible land uses in the neighborhood. (See conditions of approval A-2 and C-1)

**Approval criterion 2**

*The site relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. Adequate public utilities are available to serve the proposal.*

**Finding 4**

The development will not have any potential adverse impacts in the neighborhood because the applicant has proposed public street connections. The applicant proposes to extend NE 91st Avenue, a north/south public street, from Prairie Estates 1, to connect with NE 76th Street to the south. Another north/south street, NE 92nd Avenue curves westerly into NE 77th Street, which intersects NE 91st Avenue. An east/west public street, NE 80th Court terminates in a half-moon cul-de-sac overlooking an open space abutting NE 94th Avenue. These streets, when developed would provide adequate traffic cross circulation in the area. This finding does not require a condition of approval.

**Approval criterion 3**

*The proposed use will have no significant adverse effect on abutting property or permitted use thereof.*

**Finding 5**

The proposed use will have no significant adverse effect on abutting property or permitted uses in the area. The applicant is proposing single-family housing on small lots, similar to those proposed for Prairie Estates 1 to the north, Kosterman Acres subdivision to the east and Sunnyside Phases 3 and 4 to the west. Even though the abutting property to the southeast is zoned and developed as a community commercial center, the applicant is proposing an appropriate L3 landscaping scheme within a 10 foot buffer width per Table 40.320.010-1 (Landscaping Standards). The proposed landscaping will provide adequate and necessary screening between this development and the commercial development in the southeast section.

The proposed density complies with the density guidelines in Table 40.220.010-2 for the western section of the site zoned R1-7.5 and Table 40.220.020-2 for the eastern and southern sections of the site zoned R-18. Table 2 shows that of the approximately 9.45 acres, approximately 2.11 acres will be dedicated as right-of-way for public road improvement. Additionally, approximately 1.26 acres are identified as habitat enhancement area and open space.<sup>2</sup> The table also shows that the net developable land is approximately 7.43 acres, which could be divided into a maximum of 110 lots or a minimum of 74 lots. But the applicant is proposing 79 lots in this PUD.

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<sup>2</sup> Density is based on the number of lots per the gross acreage minus land dedicated for public right-of-way.



**Table 2: Habitat/Open Space, ROW, and Density**

<b>Zone</b>	<b>Gross acres</b>	<b>Habitat OS</b>	<b>ROW in acres</b>	<b>Net acres</b>	<b>Gross density</b>	<b>Net density</b>	<b>Proposed density</b>
R1-7.5	2.04	.98	.31	1.73	11 - 8	10 - 7	9
R-18	7.41	1.26	1.80	5.61	133 -88	100 - 67	70
Total	9.54	2.24	2.11	4.49	144 - 96	110 - 74	79

The applicant has provided a building envelope on each lot to ensure that the proposed houses would foster or enhance neighborhood compatibility.

The applicant is providing lots of various sizes to ensure the construction of a variety of housing stocks, and providing housing choices to consumers in a range of income brackets, thereby furthering the policies of the comprehensive plan regarding the provision of affordable housing in Clark County. The density proposed is within the acceptable density range per the PUD standards in the R1-7.5 and R-18 Zoning Districts; and therefore, complies with the code. This finding does not require a condition of approval.

**Approval criterion 4**

*The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or welfare of persons residing or working in the neighborhood of such use and will not under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in the neighborhood; nor shall the use be inconsistent with the character of the neighborhood or contrary to its orderly development.*

**Finding 6**

The applicant will make the necessary improvements needed to connect the proposed development to public water and sewer systems to mitigate any potential public health impacts. The utility reviews from Clark Public Utilities and Hazel Dell Sewer District indicate that adequate capacities exist in the area to connect this development to public water and sewer services. The applicant proposes to extend the trail from Prairie Estates 1 to this development. The habitat enhancement area and open space would, when implemented, provide some recreation opportunities in the area, and mitigate potential negative impacts to the public and persons residing or working in the neighborhood. This finding does not require a condition of approval.

**Approval criterion 5**

*The applicant has proposed unique or innovative design concepts to further specific policies of the comprehensive plan.*

**Finding 7**

The development can comply with the comprehensive plan policy regarding recreation opportunities in the county. The plat shows a trail that is connected to the meandering trail in Prairie Estates 1, which is located along the western section of the site abutting the riparian habitat zone. The trail curves easterly through NE 91st and NE 92nd Avenues and follows the



sidewalk on the street to the community parks provided in this development (see Exhibit 5, Sheet 2 of 5). The staff originally assumed that the plat also showed a potential walkway between lots 50 through lot 61; however, that was just internal landscaping. There is however a walkway shown between lots 49, 50, 61 and 62. The trail and the habitat enhancement area will provide opportunities for both passive and active recreation opportunities to the residents in the area. (See condition of approval A-3)

**Finding 8**

There is a 10 foot wide drainage easement (AF. No. G598545) that runs east/west along the northern section of Tax Lots 1 (105459) and 4/45 (105455), which the applicant has in part incorporated into the proposed trail and in part has included as a portion of the proposed Lot 14. The applicant needs to show that the drainage easement has been properly abandoned before it could be used as proposed, prior to final plat recording. If the applicant cannot show that the easement has been abandoned, then the applicant will have to show that the easement is being protected or maintained in its current state - see hearing testimony above (see condition of approval A-4).

**CRITICAL AREAS:**

**Finding 1:**

According to the Clark County GIS mapping indicators and the proposed plat map, there is a riparian Habitat Conservation Zone (HCZ) on the property. The watercourse responsible for the riparian designation is the a tributary to Curtin Creek (Padden Creek), a Department of Natural Resources (DNR) type 3 watercourse in this area. According to CCC Table 40.440.010 (C) (1) (a), a DNR type 3 watercourse requires a 200' riparian HCZ in order to protect fish and wildlife habitat. The HCZ extends outward from the ordinary high water mark 200', or to the edge of the 100-year floodplain, whichever is greater. In this case, the former of these two measurements is applicable to the site. The applicant is proposing to reduce the 200' width of the riparian HCZ in order to accommodate portions of the development and road infrastructure. In addition, a 4' wide bark chip walking path will parallel the stream.

Most of the 200' riparian HCZ is highly degraded by past agricultural activities, non-native weeds, creek ditching, and channel straightening. As a result, portions of the 200' wide riparian HCZ can be reduced provided habitat mitigation is employed that adequately offsets the impacts of development. As per CCC Chapter 40.440.020(A) (2) (a), all projects must "substantially maintain the level of habitat functions and values" currently present on the site. The habitat mitigation proposed by the applicant adequately offsets the development encroachment within the riparian HCZ (see conditions of approval).

The proposed mitigation involving floodplain and wetland creation, coupled with planting and woody debris placement, adequately offsets the habitat impacts. The wetland and floodplain excavation provides better instream and upland fish and wildlife habitat by creating a more natural mosaic of plant succession and geomorphic ecotones. As a result of this newly created habitat complexity, a broader array of wildlife species will utilize the habitat area. Furthermore, a newly established plant community in association with this improved hydrologic regime will enhance water quality and quantity functions in the stream through

soil-holding and evaporation/transpiration capabilities. Hence, the applicant will maintain the habitat functions currently present on the site by improving them over their current condition. The proposal can comply with CCC Chapter 40.440, provided the applicant adheres to conditions of approval A-5 through A-17.

**TRANSPORTATION CONCURRENCY:**

The applicant's traffic study has estimates trip generation for weekday AM peak hour at 51 new trips, while the PM peak hour trip at 17 new trips. The following paragraphs document two transportation issues for the proposed development.

**Issue #1: Concurrency**

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. The County's Traffix<sup>TM</sup> model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

**Site Access**

**Finding 1**

The level of service (LOS) standards is not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site accesses onto NE 76th Street and NE 94th Avenue. The access appears to maintain acceptable LOS.

**Operating LOS on Corridors**

**Finding 2:**

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model. (See condition A-18)

**Concurrency Compliance**

The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

**Issue 2: Safety**

Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- Accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030 (B) (6). The code states as follows:

*“Nothing in this section shall be construed to preclude denial of a proposed*

*development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a significant traffic or safety hazard would be caused or materially aggravated by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”*

**Traffic Signal Warrants**

**Finding 3:**

Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

**Turn Lane Warrants**

**Finding 4**

Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the un-signalized intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

**Historical Accident Situation**

**Finding 5**

The applicant's traffic study analyzed the accident history at the regionally significant intersections; the intersection of NE 76th Street/NE 94th Avenue/Covington Road reports a rate of 1.24. Two Capital improvement projects, on 76th Street and Covington Road, will make improvements to this intersection. Therefore, mitigation by the applicant is not required.

**Traffic Controls during Construction**

**Finding 6**

During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (See condition of approval B-1)

The applicant shall maintain all existing signs within the public right of way within the limits of the development's construction until the public roads have been accepted by the county. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the County installs the permanent signing and striping.

**TRANSPORTATION:**

**Pedestrian/Bicycle Circulation**

**Finding 1**

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The proposed development plans show 6-foot wide existing sidewalks along the frontages on NE 94th Avenue and NE 76th Street. The proposed improvements include construction of sidewalk along the proposed onsite road extensions. Existing improvements along the frontages on NE 94th Avenue and NE 76th Street accommodate bike lanes. Bike lanes are not required for urban access roads. Based on this information, the proposed pedestrian/bicycle circulation complies with the provisions of Section CCC 40.350.010.

**Circulation Plan**

**Finding 2**

In accordance with Section CCC 40.350.030(B) (2), the purpose of the circulation plan is to ensure access to the proposed development and to provide adequate cross-circulation in a manner, which allows subsequent developments to meet the cross-circulation standards.

NE 94th Avenue, abutting the development to the east, and NE 76th Street abutting the property on the south are the primary north-south and east-west circulator roads in the area. The proposed onsite road extensions through the site and connectivity with the proposed roads within the recently approved Prairie Estates PUD (PUD2003-000009, PLD2003-00090) and existing roadway system in vicinity of the proposed development provide adequate cross-circulation in the area. The previous project has received a road modification approval to waive the requirements for extending NE 80th Street, currently terminated on the west side of the creek.

Staff finds and the Examiner agrees that this project complies with the circulation plan; therefore, the requirements of circulation plan in compliance with Section CCC 40.350.030(B) (2) are satisfied.

**Roads**

**Finding 3**

NE 94th Avenue is classified as a 4-lane 'Minor Arterial' roadway with center-turn lane and bike lanes (M-4cb). The minimum half-width right-of-way dedication and frontage improvements along this road in accordance with CCC Table 40.350.030-2 and Standard Details Manual, Drawing #6, include:

- A minimum half-width right-of-way of 50 feet
- A minimum half-width roadway of 35 feet
- Curb/gutter and a minimum detached sidewalk width of 6 feet
- Landscaping per Section 'G' of Standard Details Manual

The applicant proposes to dedicate an additional 10-foot right-of-way. The existing improvements consisting of partial-width roadway of 32 feet and curb-tight sidewalk do not

comply with the provisions of CCC 40.350. However, the improvements have been performed along this road by the county. There are no benefits in widening the roadway for additional three (3) feet and reconstructing the sidewalk along the property frontage. (See Condition A-19)

**Finding 4**

NE 76th Street, abutting the proposed development on the south, is classified as a 2-lane 'Minor Arterial' roadway with center-turn lane and bike lanes (M-2cb). The minimum half-width right-of-way dedication and frontage improvements along this road in accordance with CCC Table 40.350.030-2 and Standard Details Manual, Drawing #10, include:

- A minimum half-width right of way of 40 feet
- A minimum half-width roadway of 23 feet
- Curb/gutter and a minimum detached sidewalk width of 6 feet, and landscaping per Section 'G' of Standard Details Manual

The applicant proposes to dedicate an additional 10-foot right-of-way. The existing improvements consisting of partial-width roadway of 22 feet and curb-tight sidewalk do not comply with the provisions of CCC 40.350. However, the improvements have been performed along this road by the county. There are no benefits in widening the roadway for additional one (1) foot and reconstructing the sidewalk along the property frontage. (See Condition A-20)

**Finding 5**

The proposed NE 91st Avenue is classified as an "Urban Neighborhood Circulator" road. The right-of-way dedications and frontage improvements for these roads in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Drawing #13 include:

- A minimum full-width right-of-way of 54 feet or half-width right-of-way of 27 feet
- A minimum full-width right-of-way of 36 feet or partial width of 20 feet
- Curb/gutter and a minimum sidewalk width of 5 feet on the north

The project proposes to dedicate a full-width right-of-way of 54 feet and variable partial-width right-of-way of no less than 32 feet; a minimum full-width roadway of 36 feet and variable partial-width of no less than 20 feet; curb/gutter and a minimum sidewalk width of 5 feet on both sides along the northerly portion of the road and only on the east side along the southerly portion. The proposed improvements for this road comply with the provisions of CCC 40.350.

NE 91st Avenue will end in temporary cul-de-sac turnarounds at the south line of proposed Phase-I. This road will be extended to NE 76th Street with the proposed Phase-II of the development. (See Condition A-21)

**Finding 6**

The proposed NE 92nd Avenue and NE 77th Street are classified as "Local Residential Access" roads. The right-of-way dedications and frontage improvements for these roads in

accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Drawing #14 include:

- A minimum width right-of-way of 46 feet
- A minimum width roadway of 28 feet
- Curb/gutter and a minimum sidewalk width of 5 feet

The applicant has requested a road modification to reduce the right-of-way for these roads to 42 feet. (See Transportation Finding 11)

**Finding 7**

NE 80th Court is classified as an “urban cul-de-sac” road. The right-of-way dedication and improvements for this road in accordance with CCC Table 40.350.030-2 and Standard Details Manual, Drawing #28 include:

- A minimum width right-of-way of 46 feet
- A minimum width roadway of 26 feet
- Curb/gutter and a minimum sidewalk width of 5 feet
- The proposed cul-de-sacs shall be constructed with a minimum pavement of 35-foot radius, rolled curb, and 5-foot thickened sidewalk within a minimum of 40-foot radius right-of-way.

The applicant has requested a road modification to reduce the right-of-way for this road to 42 feet. (See Transportation Finding 11)

The proposed turnaround does not meet the standards set forth in the Transportation Standards (40.350). (See Condition A-22)

**Finding 8**

The site plan shows narrowed sections of roadway, designated as ‘marked pedestrian crossing’, in several locations. The county transportation standards do not provide provisions for this type of feature in public roads. The applicant shall revise the plans or obtain a road modification approval. This was discussed during the hearing testimony. The 8-foot narrowing proposed by the applicant are traffic calming devices originally suggested by the staff because the straight and long aspect of these public roads typically encourages some drivers to speed. Such an outcome is usually not welcome in residential areas so this is a reasonable attempt at preemption of what would later become County’s problem. The applicant was willing to provide said traffic calming but wanted the road modification to be taken care of and granted *ex cathedra*. The Staff did not oppose the modification to narrow the roadway in places designated, but wanted to review the idea in more detail and therefore wanted the applicant to go through a more formal process during engineering review. Because this road modification would be in the public interest, the road modification is granted pending engineering review - so that the design may be modified or the idea abandoned at the discretion of the Engineering staff. (See Condition A-23).

## **Access Management**

### **Finding 11**

In compliance with section CCC 40.350.030 (B) (4) (d), direct driveway access onto NE 94th Avenue or NE 76th Street will be prohibited since access onto the onsite local access roads can be provided. (See Plat Note Condition D-11)

## **Intersection Design**

### **Finding 9**

NE 91st Avenue is a “Neighborhood Circulator” roadway. In compliance with CCC Table 40.350.030-4, minimum full access intersection spacing along this road shall not be less than 150 feet. The proposed intersection of NE 77th Street / NE 91st Avenue does not meet the required intersection separation from the intersection of NE 91st Avenue / NE 76th Street. The intersections shall be designed and constructed in accordance with provisions of Section CCC 40.350.030 (B) (7) and the requirements set forth in CCC Table 40.350.030-4. The applicant has not requested a modification to the intersection spacing. (See Condition A-24)

## **Sight Distance**

### **Finding 10**

The approval criteria for sight distances are found in CCC 40.350.030(B) (8). This section establishes minimum sight distance triangles at intersections and driveways. Driveways and intersections shall have unobstructed sight distance triangles and the roadways shall have minimum stopping sight distances in accordance with the provisions of Section CCC 40.350.030 (B) (8). (See Condition A-25)

## **Road Modification**

### **Finding 11**

Approval Criteria - If a development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550.010(A)(1). The request shall meet one (or more) of the following four specific criteria:

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

**Modification Requests** – A road modification application (EVR 2004-00045) has been submitted to request reduced right-of-way for NE 80th Court, NE 92nd Avenue, and NE 77th Street. The applicant believes that the request meets the criterion described in section CCC 40.550.010(A) (1) (a) & (b), therefore it should be approved.



The narrative indicates that the key reason for the modification is the limited land available for development to meet density requirements due to the large percentage of the land needed for cross-circulation streets, the unique shape of the site, and the habitat enhancement area. The applicant's traffic engineer certifies that permitting reduced right-of-way along these roads will not compromise traffic operation or safety since the request would actually reduce the clear zone and not affect the roadway width requirements.

Staff's Recommendations - Based on the information provided by the applicant's traffic engineer and previous approval of the reduced width of the right-of-way for the Prairie Estates PUD I (EVR2003-00096, PUD2003-00009) (See Exhibit 16 & 17), staff recommends APPROVAL of the requested modification.

**Decision (Transportation)**

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, the Examiner concludes that the proposed preliminary transportation plan subject to Conditions A-19 and A-25 and D-11, meets the requirements of the county transportation ordinance.

**STORMWATER:**

**Approval Criteria**

**Finding 1**

Stormwater and Erosion Control Ordinance CCC 40.380 (formerly CCC 13.29, adopted July 28, 2000) apply to development activities that result in 2,000 square feet or more of new impervious area within the urban area and the platting of single-family residential subdivisions in an urban area. The project will create more than 2000 square feet of new impervious surface and involves platting of single-family residential subdivision. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

**Stormwater Proposal**

**Finding 2**

The project proposes to achieve the required stormwater quality control for runoff from the pollution-generating surfaces within the proposed Stormwater Management StormFilter™ located in an open space area at intersection of the proposed NE 80th Court and NE 92nd Avenue. The project proposes to collect and pipe the stormwater runoff from the paved areas to a dual 8-foot by 16-foot StormFilter™ vaults containing 34 filter-cartridges for treatment. The preliminary stormwater design report indicates that the water quality facilities are designed to treat 70% of the 2-year, 24-hour storms, as required.

The report indicates that the stormwater quantity control will be achieved by infiltration via perforated pipe/trench infiltration system. Treated stormwater will be conveyed to a 70-foot long, 4-foot wide by 5-foot deep infiltration trench located in a cul-de-sac at the easterly

terminus of NE 80th Court. The project proposes to discharge runoff from lots 71 through 79 by sheet flow into the existing creek along the western portion of the site. The report indicates that for final design, stormwater from roofs will bypass the stormwater facility and infiltrated via individual drywells wherever possible. The report indicates that for preliminary purposes, lots 21 through 40 were not included and assumed to be infiltrated separately; however, further geotechnical exploration will be conducted prior to final design to determine the limits of the area that can be infiltrated.

If agricultural tiles are found on this site, the project proposes to remove them prior to construction of homes. The narrative submitted with the application indicates that the stormwater facilities will be dedicated to the county to be publicly maintained.

### **Site Conditions and Stormwater Issues**

#### **Finding 3**

The majority of the site has slopes of 0% to 5% and contains field grass, shrubs, and trees and a few structures. The Padden Creek runs from south to north through the site. The existing residences and associated outbuildings will be removed prior to development of the site. The preliminary stormwater report indicates that the developed site will contain 5.86 acres of impervious area consisting of 3.17 acres of roof area and 2.69 acres of impervious area due to paved surfaces, sidewalks, and driveways.

#### **Finding 4**

The applicant proposes to place infiltration facilities in the public right-of-way, under the cul-de-sac at the terminus of NE 80th Court. These systems, as proposed, are not easily repairable without substantial costs endured by the public. Furthermore, if these systems need to be replaced, major reconstruction work will be required and the work may also involve replacing other utilities located in close proximity of the proposed storm facilities. These facilities shall be installed in areas outside of the roadways and sidewalks within easements or in separate tracts. The location of the proposed stormwater facilities shall conform to the requirements of subsections CCC 40.380.040(D). (See Condition A-26)

#### **Finding 5**

The project proposes to convey runoff from lots 71 through 79 to the creek by sheet flow. The report indicates that the discharge rates will not exceed the allowable rates, since runoff from the rest of the site will be infiltrated and therefore no detention should be required. In accordance with the provisions of Section CCC 13.29.310(A)(7), no development within an urban area shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The project will be required to comply with these provisions. As was discussed during the hearing testimony the bulk of the stormwater would be diverted for infiltration to the infiltration friendly soils on the east side of the site, so that 71-79 would only produce roof run-off directed ultimately to the creek so that downstream analysis was unnecessary (See Condition A-27)

#### **Finding 6**

The 1972 USDA, SCS soil survey of Clark County shows the site to be underlain by 86%

Sifton gravelly loam (SvA) soils classified by AASHTO as A-1 or A-2 soils and 14% McBee silty clay loam (MIA) soils classified by AASHTO as A-4 soils to a depth of 44 inches and A-1 soils below that to the depth of 62 inches. Sifton is classified as hydrologic soil group "B" and McBee is classified as hydrologic soil group "D". The applicant has submitted two soil infiltration investigation reports.

The first report is prepared by GeoPacific Engineering Inc. The report states that seven exploratory test pits were excavated on July 22, 2003. Test locations are shown in Figure 2 of the GeoPacific report (See Exhibit 6, Tab 12). The infiltration tests in TP-1 showed infiltration rates 34 inches per hour (iph) and in TP-1 588 iph. The tests were conducted at the depths of 10 and 9 feet below the existing ground, respectively. This report recommends that a factor-of-safety of 4.0 be applied to the tested infiltration rates obtained in test pits TP-2 and TP-3 against sediment and biological clogging over the design life of the system. The report states that based on subsurface observations, infiltration rate testing west of TP-1 will very likely yield unsatisfactory results.

The applicant has also submitted a soil infiltration investigation report prepared by Geocon Northwest, Inc. This report states that 5 exploratory trenches were excavated to the depth of 9 to 13 feet below the ground surface on May 14, 2004. Test locations are shown in Figure 2 of Geocon report (See Exhibit 6, Tab 12). The infiltration tests showed infiltration rates of 9 to 2160 inches per hour in TP-1 through TP-5. This report recommends a maximum infiltration rate of 200 iph be used in the design of the infiltration facilities.

In accordance with the provisions of CCC 40.380.040(C)(3)(a) & (f), soils classified as A-1-a, A-1-b, A-2-4, A-2-5, and A-3 as defined in AASHTO Specification M145 are suitable for infiltration. Neither one of the infiltration investigation reports include information on the soil classification. Graphs of grain size analysis are included in the Geocon report but the report does not provide information on percentage of fines, which is indicative of silt & clay materials. In accordance with the BMP Manual, Section III-3.3.2(d), infiltration system shall not utilize soils with 30% or greater clay content or 40% or greater silt/clay content. Without such information, staff cannot conclude that disposal of stormwater runoff by infiltration is feasible. (See Conditions A-28, A-29, and A-30)

#### **Finding 7**

The submitted infiltration tests are performed in top 4 to 10 feet of soil layers. There are indications of impermeable layers consisting of silty material in the area, which may intercept flow in vertical direction causing saturation of subgrade and flooding of adjacent properties. To ensure that saturation of top layers of soil due to confinement of permeable soil layers will not cause adverse impact on the future homes within the development and properties downstream from the development, additional soil analysis at greater depths will be required. If necessary, the design should be modified by extending the infiltration facilities downward to penetrate the impermeable soil layers. (See Condition A-31)

#### **Finding 8**

The county generalized water table altitude map shows the groundwater table in this area at

approximate elevations of 210 feet. The county GIS mapping system shows the existing ground surface elevation contours being very close to the groundwater surface elevation. The applicant shall conduct further tests to determine the elevation of high groundwater table since groundwater significantly impacts the rate of infiltration. Furthermore, increased underground flow due to excessive infiltration within confined soil layers in a short period may cause rapid rise in groundwater elevation, which can adversely impact the adjacent properties and the proposed lots located in low elevations. To determine whether such concerns are warranted, the applicant will be required to include information on possibility of groundwater-mounding in the Technical Information Report. If necessary, stormwater plan shall be modified to mitigate such impacts. (See Condition A-32)

### **Erosion Control**

#### **Finding 9**

Because the proposed stormwater runoff disposal is by infiltration, it is important to ensure that no soil or contaminated materials inadvertently enter the storm drain collection system until site construction is complete and exposed soil surfaces are stabilized. In order to protect the infiltration facilities from plugging during the construction of the subdivision and the future homes within the proposed lots, all runoffs shall be conveyed to an onsite temporary sedimentation basin or be contained by other approved methods until such time when the County inspection staff determines that the potential for plugging the infiltration system is minimized to the extent possible. See Condition C-2

### **Conclusion (Stormwater)**

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, the proposed preliminary stormwater plan, subject to conditions A-26 through A-32 and C-2, is feasible.

### **FLOOD PLAIN**

#### **Applicability**

##### **Finding 1**

The provisions of Flood Hazard Areas (CCC 40.420) are applicable to all of flood hazard within areas within the jurisdiction of Clark County. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study for Clark County" (effective August 2, 1982 and revised July 19, 2000) and accompanying maps are adopted by reference and declared to be a part of CCC 40.420.

##### **Finding 2**

Portions of the subject site are within the 100-year floodplain. The subject site is in unstudied area of the national Flood Insurance Rate Maps (FIRM). Consequently, the flood limits are graphically represented but elevations are not shown. In accordance with CCC 40.420.020(B)(1)(d), where Base Flood Elevation (BFE) data has not been provided or is not available from another authoritative source, it shall be provided by the applicant for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less). This development proposes more than 50 lots and contains more than 5 acres of land. Therefore, compliance with this section of the code will be

required.

The consultants working toward establishing BFE in vicinity of the site appear to have some disagreements regarding hydrology and survey in this area. Clark County has commissioned a flood study of Padden Creek, and that work is in progress. Completion of the study may not occur prior to the final plat approval for this project. Therefore, the applicant will be required to provide the BFE data for review and approval by the county. (See Condition A-33)

**Conclusion (Floodplain)**

Based upon the development site characteristics, the requirements of the floodplain combining district, and findings above, phases I and II of the development, subject to condition A-33, can comply with the provisions of Flood Plain Combining District.

**FIRE PROTECTION:**

**Fire Marshal Review**

**Fire Protection Finding 1:**

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

**Building Construction**

**Fire Protection Finding 2:**

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see condition of approval A-34).

**Fire Flow**

**Fire Protection Finding 3:**

Fire flow in the amount of 1,000 gallons per minute at 20 pounds per minute (psi) supplied for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see condition of approval A-35).

**Fire Marshal Review**

**Fire Protection Finding 4:**

Fire hydrants are required for this application. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (see condition of approval A-36).

**Fire Marshal Review**

**Fire Protection Finding 5**

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at (360) 696-8166 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see conditions of approval A-36).

**Fire Apparatus Access**

**Fire Protection Finding 6:**

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See condition of approval C-3).

**Fire Apparatus Turnarounds**

**Fire Protection Finding 7:**

Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate.

**WATER & SEWER SERVICE:**

**Finding 1**

The City of Vancouver provides potable water and Hazel Dell Sewer District provides public sewer services in the area. Letters from both utility districts confirm that the services are available to serve this development.

**Finding 2**

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See condition of approval E-5).

**Finding 3**

The existing wells and/or septic systems shall be abandoned. Submittal of an acceptable "Health Department Final Approval Letter" to the county is required at the time specified in the evaluation letter. (See condition of approval E-5).



**Finding 4**

The 2 single-family houses, garages and storage buildings will be removed. All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied. (See condition of approval A-37)

If underground storage tanks exist on the property, they must be identified and decommissioned consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. (See condition of approval A-38)

**IMPACT FEES:**

**Finding 1**

The site is located in Park Impact Fee (PIF) District 6, Evergreen School District Impact Fee (SIF), and Orchards Traffic Impact Fee (TIF) district.

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, except for Lot 1 and Lot 40 that are exempt from impact fees exaction, the park, school, and traffic impact fees for each of the proposed 77 new single-family dwellings in this subdivision are:

- \$1,543.00 PIF (made up of \$1,103.00 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 6;
- \$3,540.00 SIF per new single-family dwelling in the Evergreen School District; and,
- \$1,342.19 TIF per new single-family dwelling in Orchards Traffic Impact Fee District.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See condition of approval B-2)

**SEPA of Non-Significance (DNS):** Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

**DECISION**

Based upon the proposed plan (identified as Exhibits 5 and 5A), and the findings, conclusions and modifications stated above, the Hearings Examiner APPROVES this request, subject to



the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

**Conditions of Approval**

**A Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 12.05A.770(10) & (11) and 13.029.370.**

**Land Use – Zoning**

- A-1 The applicant shall establish covenants, conditions and restrictions (CC & R's) to be approved by the county's prosecuting attorney creating a home owner's association for the purposes of maintaining the open space and trails. (See Land Use Finding 1)
- A-2 The applicant shall provide a building envelope indicating the location of the building on each lot. (See Land Use Finding 3)
- A-3 The applicant shall provide low lighting along the proposed pedestrian path between lots 49, 50, 61 and 62 to ensure active pedestrian recreation activities and public safety consistent with the PUD standards. (See Land Use Finding 7)
- A-4 The applicant shall provide documentation indicating that the drainage easement has been properly abandoned or clearly show that it is being preserved. (See Land Use Finding 8)

**Habitat Conservation**

- A-5 The applicant shall implement the "Riparian Habitat Mitigation Plan," submitted by The Resource Company, Inc. and dated April 23, 2004, except as amended herein. (See Critical Areas Finding 1)
- A-6 A copy of this mitigation plan shall be available on site during construction, for inspection by Clark County development inspection personnel. (See Critical Areas Finding 1)
- A-7 All requisite mitigation shall be completed prior to Final Plat approval, unless otherwise postponed through the establishment of a performance/maintenance bond, escrow account, or other financial guarantee acceptable to the Planning Director. (See Critical Areas Finding 1)
- A-8 The applicant shall ensure an 80% survival rate for all habitat plantings after three (3) growing seasons. (See Critical Areas Finding 1)
- A-9 All habitat plantings shall be irrigated on a weekly basis during the first growing season between June 1 and September 30. Subsequent watering shall be done on an "as needed" basis to ensure plant survival. (See Critical Areas Finding 1)

- A-10 Appropriate demarcation and signage of the habitat boundaries shall be in place prior to initiating any groundbreaking activity. (See Critical Areas Finding 1)
- A-11 Signage shall be posted along the habitat boundaries at an interval of one (1) per lot or every one hundred (100) feet, whichever is less, and be perpetually maintained by the homeowners in such a manner so as to sufficiently identify and protect habitat functionality. (See Critical Areas Finding 1)
- A-12 No trees or shrubs shall be cleared from the riparian HCZ. This includes no clearing of woody vegetation for purposes of habitat mitigation. Clearing shall be limited to pasture grasses only. (See Critical Areas Finding 1)
- A-13 In addition to the signage required along the habitat boundary, the applicant shall post signs at 200-foot intervals along the walking path that inform pedestrians and pet-owners; "Habitat Conservation Area -- please keep pets on trail." (See Critical Areas Finding 1)
- A-14 All requisite habitat signage shall be erected prior to Final Plat approval. (See Critical Areas Finding 1)
- A-15 The placement of snags and large-woody debris shall be done in a manner that minimizes soil/vegetation damage and disturbance in the riparian area to the maximum extent practicable. (See Critical Areas Finding 1)
- A-16 A qualified biologist or environmental consultant shall be on-site during snag and/or large-woody debris placement, in order to minimize habitat disruption to what is minimally necessary to accomplish the project. (See Critical Areas Finding 1)
- A-17 A Habitat Conservation Covenant shall be recorded with the county Auditor protecting Tract "A" prior to Final Plat approval. (See Critical Areas Finding 1)

**Concurrency**

- A-18 The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works. (See Transportation Concurrency Finding 2)

**Transportation**

- A-19 Dedication of an additional 10-foot right-of-way and landscaping along the property frontage on NE 94th Avenue will be required. (See Transportation Finding 3)
- A-20 Dedication of an additional 10-foot right-of-way and landscaping along the property frontage on NE 76th Street will be required. (See Transportation Finding 4)

- A-21 The project shall construct a temporary cul-de-sac turnarounds along NE 91st Avenue at south line of phase-I. (See Transportation Finding 5)
- A-22 Unless a road modification is approved, the turnaround at the terminus of NE 80th Court shall be constructed with a minimum pavement of 35-foot radius, rolled curb, and 5-foot thickened sidewalk within a minimum of 40-foot radius right-of-way. (See Transportation Finding 7)
- A-23 The reduced roadway width at the proposed crosswalks requires a road modification which was approved in principle at the hearing subject, however, to engineering review and design approval. (See Transportation Finding 8)
- A-24 The site plan shall be revised to provide a minimum of 150 feet separation between the centerlines of NE 76th Street and NE 77th Street. (See Transportation Finding 10)
- A-25 Prior to the final plat approval, the applicant shall submit a letter signed by a licensed engineer in the State of Washington verifying that the sight distance triangles for the driveways and the intersections; and stopping sight distances along the roadways will comply with the provisions of Section 12.05A.250. (See Transportation Finding 11)

**Stormwater and Erosion Control**

- A-26 The proposed stormwater facilities shall be placed in easements outside of the right-of-way or within separate tracts to be dedicated to the county. (See Stormwater Finding 4)
- A-27 The runoff release rates in the directions of the pre-development drainage paths shall not exceed the allowable rates specified in Section CCC 13.29.310(C) (4). In addition, an offsite analysis extending a minimum of one-fourth of a mile downstream from the stormwater in compliance with Section CCC 13.29.305(B) will be required. (See Stormwater Finding 5)
- A-28 The applicant shall perform additional field and laboratory tests prior to final design of the infiltration facilities. The laboratory tests shall include soil classification based on AASHTO Specification M145. The design of infiltration facilities shall be based on the lowest tested infiltration rate with the safety factor recommended by the geotechnical engineer and approved by the county review staff. (See Stormwater Finding 6)
- A-29 Construction of the stormwater infiltration facilities shall comply with the following requirements:
  - a. The infiltration rates used in the final stormwater analysis shall be verified during the construction of the facilities by a licensed geotechnical engineer or a designated representative at the exact location and depth of the proposed stormwater infiltration facilities. Timing and number of tests for representative infiltration systems will be determined at the pre-construction conference.

- b. A sacrificial temporary drainage system as well as a sedimentation basin for detaining contaminated runoff shall be considered for use during construction of the site improvements. (See Stormwater Finding 6)
- A-30 Individual downspout infiltration systems will be allowed for those lots recommended by the applicant's geotechnical engineer. The system shall be designed based on the infiltration rates recommended by the applicant's geotechnical engineer and approved by the county staff. The construction plans shall include a standard detail and specifications for these infiltration systems. (See Stormwater Finding 6)
- A-31 The applicant shall provide information on permeability of soil layers beneath the proposed infiltration facilities to show that infiltrated stormwater can migrate down vertically and not be impeded by impermeable soil layers. (See Stormwater Finding 7)
- A-32 As part of the Technical Information Report, the applicant shall submit groundwater-mounding analysis. If necessary, stormwater plan shall be modified to mitigate adverse impacts. See Stormwater Finding 8

**FLOOD PLAIN**

- A-33 The applicant shall submit analysis to include the 100-year flood elevations within the subject site, and if applicable, obtain a flood plain permit prior to the approval of grading and/or construction plans. The applicant, therefore, accepts the responsibility for changes to the preliminary plat that may be required in order to comply with the conditions of the floodplain permit. (See Floodplain Finding 2)

**Fire Protection:**

- A-34 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding 2).
- A-35 Fire flow in the amount of 1,000 gallons per minute at 20 pounds per square inch (psi) supplied for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see Fire Protection Finding 3).
- A-36 Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (see Fire Protection Finding 4).
- A-37 Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the

exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at (360) 696-8166 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see Fire Protection Finding 5).

**Water & Sewer Services - Other Health Concerns**

- A-38 All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied. (See Water and Sewer Services Finding 4)
- A-39 If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. (See Water & Sewer Services Finding 4)

**B. Conditions that must be met prior to issuance of Building Permits**

**Concurrency**

- B-1 Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (See Transportation Concurrency Finding 7)

**Impact Fees**

B-2 The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, except for Lot 1 and Lot 40 that are exempt from impact fees exaction, the park, school, and traffic impact fees for each of the 77 new single-family dwellings in this subdivision are:

1. \$1,543.00 PIF (made up of \$1,103.00 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 6;
2. \$3,540.00 SIF per new single-family dwelling in the Evergreen School District; and,
3. \$1,342.19 TIF per new single-family dwelling in Orchards Traffic Impact fee district

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See Impact Fees Finding 1)

**C. Conditions that must be met prior to issuance of Occupancy Permits**

**Land Use – Zoning:**

- C-1 The applicant perimeter landscaping and streetscape as shown on the proposed Landscape Plan for Prairie Estates II PUD, Sheet 3 of 5 attached to this Staff Report as Exhibit 5A. (See Land Use Finding 1)

**Stormwater and Erosion Control:**

- C-2 All runoffs from the site shall be conveyed to an onsite temporary sedimentation basin or be contained by other approved methods until such time when the County inspection staff determines that the potential for plugging the infiltration system is minimized to the extent possible. (See Stormwater Finding 9)

**Fire Protection**

- C-3 Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see Fire Protection Finding 5).

**D. Notes Required on Final Plat**

The following notes shall be placed on the final plat:

- D-1 The following lot dimensions and building set backs shall apply
1. Minimum lot width --- 30 feet
  2. Minimum lot depth --- 50 feet
  3. Front yard setback for the house --- 10 feet
  4. Front yard set back for the garage --- 18 feet
  5. Street side yard --- 8 feet
  6. Interior side yard --- zero to 6 feet
  7. Rear yard set back --- 5 feet. (See Land Use Finding 2)
- D-2 “To safeguard public safety, the street side yard for Lot 1, Lot 55 and Lot 56 should be 10 feet; and the interior side yard setback for all lots should be zero to 8 feet, or as may be approved by the Fire Marshal or a designee consistent with the Uniform Building and Fire Codes.” (See Land Use Finding 2)
- D-3 Archaeological:  
"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- D-4 Mobile Homes:  
“The placement of mobile homes is prohibited.”

**D-5    Impact Fees:**

"In accordance with CCC 40.610, except Lot 1 and Lot 40 that are exempt from impact fees exaction, the Park, School, and Traffic Impact Fees for each of the 77 new dwellings in this subdivision are: \$1,543.00 (\$1,103.00 - Acquisition; \$440.00 - Development for Park District 6); \$3,540.00 (Evergreen School District); and \$1,342.19 (Orchards TIF district), respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

**D-6    Utilities:**

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

**D-7    Sidewalks:**

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

**D8    Critical Aquifer Recharge Areas:**

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

**D-9    Erosion Control:**

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

**D-10   Driveways:**

"No direct access is allowed onto the following streets: NE 94th Street and NE 76th Street."

**D-11   Driveways:**

"All residential driveway approaches entering public roads are required to comply with CCC 40.350."

**E. Standard Conditions**

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

**Land Division:**

E-1    Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.



- E-2 Prior to recording the final plat, the applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

**Final Construction Plan Review:**

- E-3 Prior to construction, the applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 40.380.
- E-4 Prior to construction, the applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350.

**Water Wells and Septic Systems:**

- E-5 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, then the Evaluation Letter will specify when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to the Issuance of an Occupancy Permit).
- E-6 Pre-Construction Conference:  
Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- E-7 Erosion Control:  
Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- E-8 Erosion Control:  
For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- E-9 Erosion Control:  
Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- E-10 Erosion Control:  
Erosion control facilities shall not be removed without County approval.
- E-11 Transportation:

- Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.
- E-12 Stormwater:  
Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380.
- E-13 Pre-Construction Conference:  
Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- E-14 Erosion Control:  
Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- E-15 Erosion Control:  
For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- E-16 Excavation and Grading:  
Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC).
- E-17 Excavation and Grading:  
Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.
- E-18 Landscaping:  
Prior to recording the final plat, the applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

**Dated this \_\_\_\_\_ day of September, 2004**

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**J. Richard Forester  
Hearing Examiner**

*NOTE: Only the decision and the condition of approval are binding on the applicant, owner or subsequent developer of the subject property as a result of this order. Other parts of the final order are explanatory, illustrative and/or descriptive. There may be*

*requirements of local, state, or federal law, or requirements which reflect the intent of the applicant, the county staff, or the Hearings Examiner, but they are not binding on the applicant as a result of the final order unless included as a condition.*

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination, may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030 (H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered, based on the criteria in subsection 40.510.030(H)(3)(b);
5. A check in the amount of \$279.00 (made payable to the Clark County Board of County Commissioners).